



CO00045210

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 11-076

REGARDING WEDDING FACILITY USE IN CERTAIN RURAL AND
RESOURCE ZONES; AMENDING SCC 30.22.130(87)

WHEREAS, the natural beauty of rural and agricultural lands in Snohomish County (the "County") provides an attractive and popular setting for weddings; and

WHEREAS, the growing wedding industry in the rural and agricultural areas of the County constitutes an important component of the local economy; and

WHEREAS, it is in the public interest to encourage and support the growing rural and agricultural wedding industry in the County; and

WHEREAS, Section 30.22.110 of the Snohomish County Code (the "SCC" or the "County Code") currently allows wedding facility use of real property located in the following zones: (i) Rural Resource Transition – 10 Acre ("RRT-10"); (ii) Rural – 5 Acre ("R-5"), and (iii) Agriculture – 10 Acre ("A-10") zones; and

WHEREAS, such wedding facility use is subject to the conditions contained in SCC 30.22.130(87); and

WHEREAS, the conditions contained in SCC 30.22.130(87) currently require wedding use to occur either entirely outside of permanent structures or entirely inside of permanent structures; and

WHEREAS, it is desirable to also allow wedding use to occur partly outside of permanent structures and partly inside of permanent structures; and

WHEREAS, the amendments to SCC 30.22.130(87) proposed by this ordinance will provide greater flexibility to allow wedding use to occur partly outside of permanent structures and partly inside of permanent structures; and

WHEREAS, the Growth Management Act, chapter 36.70A RCW (the "GMA"), requires the County to protect the rural character of rural lands within the County's jurisdiction; and

WHEREAS, the amendments to SCC 30.22.130(87) proposed by this ordinance will continue to protect the rural character of the County's rural lands; and

WHEREAS, the GMA additionally requires the County to protect and conserve agricultural resource lands of long term commercial significance within the County's jurisdiction to assure that such lands will remain available for the future commercial production of agricultural products; and

1
2 WHEREAS, RCW 36.70A.177 expressly authorizes the County to employ
3 innovative zoning techniques to conserve designated agricultural resource lands and
4 enhance the County's agricultural economy; and
5

6 WHEREAS, RCW 36.70A.177 was amended by the state legislature in 2006 to
7 provide local jurisdictions with greater flexibility to develop effective innovating zoning
8 techniques based on local circumstances; and
9

10 WHEREAS, RCW 36.70A.177, as amended, expressly authorizes local
11 jurisdictions to allow nonagricultural accessory uses of designated agricultural resource
12 land that support, promote, or sustain agricultural operations and production, subject to
13 certain conditions;
14

15 WHEREAS, the county council finds that wedding facility use of designated
16 agricultural lands is a nonagricultural accessory use that supports, promotes and
17 sustains agricultural operations and production;
18

19 WHEREAS, the county council desires to amend the conditions under which
20 wedding facility use may be conducted on designated agricultural resource lands to
21 provide greater flexibility for such wedding facility use and to fully comply with the
22 provisions of amended RCW 36.70A.177;
23

24 WHEREAS, the amendments to SCC 30.22.130(87) proposed by this ordinance
25 will achieve those objectives; and
26

27 WHEREAS, as required by RCW 36.70A.106, a notice of intent to adopt the code
28 amendments contained in this ordinance was transmitted to the Washington State
29 Department of Commerce on August 24, 2011; and
30

31 WHEREAS, a State Environmental Policy Act ("SEPA") threshold Determination
32 of Nonsignificance ("DNS") for the code amendments contained in this ordinance was
33 issued on October 7, 2011; and
34

35 WHEREAS, the planning commission held a public hearing on September 27,
36 2011, to receive public testimony concerning the code amendments contained in this
37 ordinance; and
38

39 WHEREAS, at the conclusion of the public hearing the planning commission
40 voted to deny the proposal; and
41

42 WHEREAS, on January 11, 2012, the county council held a public hearing after
43 proper notice, heard public testimony related to the code amendments contained in this
44 ordinance, and considered the entire record, including the planning commission's
45 recommendations on the code amendments contained in this ordinance; and
46

1 WHEREAS, immediately following the public hearing, the county council
2 deliberated on the code amendments contained in this ordinance;

3
4 NOW, THEREFORE, BE IT ORDAINED:

5
6 Section 1. The county council adopts the foregoing recitals as findings and
7 conclusions as if set forth in full herein.

8
9 Section 2. *The county council makes the following additional findings and*
10 *conclusions in support of this ordinance:*

- 11
12 A. The code amendments proposed in this ordinance are consistent with the goals
13 and requirements of the County's GMA Comprehensive Plan.
14
15 B. The code amendments proposed in this ordinance are consistent with the
16 Countywide Planning Policies for Snohomish County and with the multi-county
17 policies adopted by the Puget Sound Regional Council.
18
19 C. The code amendments proposed in this ordinance are consistent with the goals
20 and requirements of the GMA.
21
22 D. SEPA requirements with respect to this non-project action have been satisfied
23 through the completion of an environmental checklist and the issuance of a DNS
24 on October 7, 2011.
25
26 E. The public participation process related to the adoption of this ordinance has
27 complied with all applicable requirements, including but not limited to, the GMA,
28 chapter 30.73 SCC, and the Snohomish County Charter.
29

30 Section 3. Snohomish County Code Section 30.22.130, last amended by
31 Amended Ordinance No. 10-102 on January 19, 2011, is amended to read:

32
33 **30.22.130 Reference notes for use matrix.**

34
35 (1) Airport, Stage 1 Utility:

36 (a) Not for commercial use and for use of small private planes; (b) In the RU zone,
37 they shall be primarily for the use of the resident property owner; and

38 (c) When the airport is included in an airpark, the disclosure requirements of SCC
39 30.28.005 shall apply.

40 (2) Day Care Center:

41 (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall
42 only be permitted in connection with and secondary to a school facility or place of
43 worship; and

44 (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering
45 provided to protect adjoining residences.

46 (3) Dock and Boathouse, Private, Non-commercial:

1 (a) The height of any covered over-water structure shall not exceed 12 feet as
2 measured from the line of ordinary high water;

3 (b) The total roof area of covered, over-water structures shall not exceed 1,000
4 square feet;

5 (c) The entirety of such structures shall have a width no greater than 50 percent of
6 the width of the lot at the natural shoreline upon which it is located;

7 (d) No over-water structure shall extend beyond the mean low water mark a
8 distance greater than the average length of all preexisting over-water structures along
9 the same shoreline and within 300 feet of the parcel on which proposed. Where no
10 such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

11 (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any
12 boat moored at any wharf be used as a dwelling while so moored; and

13 (f) Covered structures are subject to a minimum setback of three feet from any side
14 lot line or extension thereof. No side yard setback shall be required for uncovered
15 structures. No rear yard setback shall be required for any structure permitted
16 hereunder.

17 (4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the
18 same structure as a commercial establishment. In the MHP zone, single family
19 detached dwellings are limited to one per existing single legal lot of record.

20 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A
21 SCC for design standards applicable to townhouse and attached single-family dwelling
22 development. .

23 (6) Dwelling, Mobile Home:

24 (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater
25 along its entire body length;

26 (b) Shall be constructed with a non-metallic type, pitched roof;

27 (c) Except where the base of the mobile home is flush to ground level, shall be
28 installed either with:

29 (i) skirting material which is compatible with the siding of the mobile home; or

30 (ii) a perimeter masonry foundation;

31 (d) Shall have the wheels and tongue removed; and (e) In the RU zone the above
32 only applies if the permitted lot size is less than 20,000 square feet.

33 (7) Fallout Shelter, Joint, by two or more property owners:

34 Side and rear yard requirements may be waived by the department along the
35 boundaries lying between the properties involved with the proposal, and zone; provided
36 that its function as a shelter is not impaired.

37 (8) Family Day Care Home:

38 (a) No play yards or equipment shall be located in any required setback from a
39 street; and

40 (b) Outdoor play areas shall be fenced or otherwise controlled.

41 (9) Farm Stand:

42 (a) There shall be only one stand on each lot; and

43 (b) At least 50% by farm product unit of the products sold shall be grown, raised or
44 harvested in Snohomish County, and 75% by farm product unit of the products sold
45 shall be grown, raised or harvested in the State of Washington.

46 (10) Farm Worker Dwelling:

1 (a) At least one person residing in each farm worker dwelling unit shall be
2 employed full time in the farm operation;

3 (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded
4 with the county attesting to the need for such dwellings to continue the farm operation;

5 (c) The number of farm worker dwellings shall be limited to one per each 40 acres
6 under single contiguous ownership to a maximum of six total dwellings, with 40 acres
7 being required to construct the first accessory dwelling unit. Construction of the
8 maximum number of dwelling units permitted shall be interpreted as exhausting all
9 residential potential of the land until such time as the property is legally subdivided; and

10 (d) All farm worker dwellings must be clustered on the farm within a 10-acre
11 farmstead which includes the main dwelling. The farmstead's boundaries shall be
12 designated with a legal description by the property owner with the intent of allowing
13 maximum flexibility while minimizing interference with productive farm operation. Farm
14 worker dwellings may be located other than as provided for in this subsection only if
15 environmental or physical constraints preclude meeting these conditions.

16 (11) Home Occupation: See SCC 30.28.050.

17 (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the
18 R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

19 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals
20 comprising the kennel are housed within the dwelling, the yard or some portion thereof
21 shall be fenced and maintained in good repair or to contain or to confine the animals
22 upon the property and restrict the entrance of other animals.

23 (14) Parks, Publicly-owned and Operated:

24 (a) No bleachers are permitted if the site is less than five acres in size;

25 (b) All lighting shall be shielded to protect adjacent properties; and

26 (c) No amusement devices for hire are permitted.

27 (15) Boarding House: There shall be accommodations for no more than two persons.

28 (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord.
29 04-010 effective March 15, 2004)

30 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of
31 occupants and guests:

32 (a) No part of the pool shall project more than one foot above the adjoining ground
33 level in a required setback; and

34 (b) The pool shall be enclosed with a fence not less than four feet high, of sufficient
35 design and strength to keep out children.

36 (18) Temporary Dwelling for a relative:

37 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the
38 occupant(s) of the permanent dwelling;

39 (b) The relative must receive from, or administer to, the occupant of the other
40 dwelling continuous care and assistance necessitated by advanced age or infirmity;

41 (c) The need for such continuous care and assistance shall be attested to in writing
42 by a licensed physician;

43 (d) The temporary dwelling shall be occupied by not more than two persons;

44 (e) Use as a commercial rental unit shall be prohibited;

1 (f) The temporary dwelling shall be situated not less than 20 feet from the
2 permanent dwelling on the same lot and shall not be located in any required yard of the
3 principal dwelling;

4 (g) A land use permit binder shall be executed by the landowner, recorded with the
5 Snohomish County Auditor and a copy of the recorded document submitted to the
6 department for inclusion in the permit file;

7 (h) Adequate screening, landscaping, or other measures shall be provided pursuant
8 to SCC 30.25.028 to protect surrounding property values and ensure compatibility with
9 the immediate neighborhood;

10 (i) An annual renewal of the temporary dwelling permit, together with recertification
11 of need, shall be accomplished by the applicant through the department in the same
12 month of each year in which the initial mobile home/building permit was issued;

13 (j) An agreement to terminate such temporary use at such time as the need no
14 longer exists shall be executed by the applicant and recorded with the Snohomish
15 County Auditor; and

16 (k) Only one temporary dwelling may be established on a lot. The temporary
17 dwelling shall not be located on a lot on which a detached accessory apartment is
18 located.

19 (19) Recreational Vehicle:

20 (a) There shall be no more than one per lot;

21 (b) Shall not be placed on a single site for more than 180 days in any 12-month
22 period; and

23 (c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood
24 season (October 1 through March 30) with the following exceptions:

25 (i.) Recreational vehicle use associated with a legally occupied dwelling to
26 accommodate overnight guests for no more than a 21-day period;

27 (ii.) Temporary overnight use by farm workers on the farm where they are
28 employed subject to SCC 30.22.130(19)(a) and (b) above; and

29 (iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC 30.22.120(7)(b),
30 temporary overnight use in a mobile home park, which has been in existence
31 continuously since 1970 or before, that provides septic or sewer service, water and
32 other utilities, and that has an RV flood evacuation plan that SCC Title 30 Page 43 has
33 been approved and is on file with the Department of Emergency Management and
34 Department of Planning and Development Services.

35 (20) Ultralight Airpark:

36 (a) Applicant shall submit a plan for the ultralight airpark showing the location of all
37 buildings, ground circulation, and parking areas, common flight patterns, and arrival and
38 departure routes;

39 (b) Applicant shall describe in writing the types of activities, events, and flight
40 operations which are expected to occur at the airpark; and

41 (c) Approval shall be dependent upon a determination by the county decision maker
42 that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking
43 are compatible with the site and neighboring land uses, particularly those involving
44 residential uses or livestock or small animal husbandry; and further that the proposed
45 use can comply with Federal Aviation Administration regulations (FAR Part 103), which
46 state that ultralight vehicle operations will not:

- 1 (i) create a hazard for other persons or property;
2 (ii) occur between sunset and sunrise;
3 (iii) occur over any substantially developed area of a city, town, or settlement,
4 particularly over residential areas or over any open air assembly of people; or
5 (iv) occur in an airport traffic area, control zone, terminal control area, or positive
6 control area without prior authorization of the airport manager with jurisdiction.

7 (21) Craft Shop:

- 8 (a) Articles shall not be manufactured by chemical processes;
9 (b) No more than three persons shall be employed at any one time in the
10 fabricating, repair, or processing of materials; and
11 (c) The aggregate nameplate horsepower rating of all mechanical equipment on the
12 premises shall not exceed two.

13 (22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor
14 area limitation.

15 (23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display,
16 storage, and sales activities shall be conducted indoors.

17 (24) Race Track: The track shall be operated in such a manner so as not to cause
18 offense by reason of noise or vibration beyond the boundaries of the subject property.

19 (25) Rural Industry:

- 20 (a) The number of employees shall not exceed 10;
21 (b) All operations shall be carried out in a manner so as to avoid the emission or
22 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
23 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
24 offensive or injurious to properties, residents, or improvements in the vicinity;
25 (c) The owner of the rural industry must reside on the same premises as the rural
26 industry and, in the RD zone, the residence shall be considered as a caretaker's
27 quarters; and

28 (d) Outside storage, loading or employee parking in the RD zone shall provide 15-
29 foot wide Type A landscaping as defined in SCC 30.25.017.

30 (26) Sawmill, Shake and Shingle Mill:

- 31 (a) Such uses shall not include the manufacture of finished wood products such as
32 furniture and plywood, but shall include lumber manufacturing;
33 (b) The number of employees shall not exceed 25 during any eight-hour work shift;
34 (c) All operations shall be carried out in a manner so as to avoid the emission or
35 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
36 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
37 offensive or injurious to properties, residents or improvements in the vicinity; and

38 (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall
39 provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

40 (27) Governmental and Utility Structures and Facilities:

41 Special lot area requirements for this use are contained in SCC 30.23.200.

42 (28) Excavation and Processing of Minerals:

- 43 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones
44 only where these zones coincide with the mineral lands designation in the
45 comprehensive plan (mineral resource overlay or MRO), except for the MC zone where
46 mineral lands designation is not required.

1 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is
2 required pursuant to SCC 30.31D.030.

3 (c) Excavation and processing of minerals exclusively in conjunction with forest
4 practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry
5 zone.

6 (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted
7 when located within the main building containing licensed practitioner(s).

8 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to
9 property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined
10 in SCC 30.25.017.

11 (31) Boat Launch Facilities, Commercial or Non-commercial:

12 (a) The hearing examiner may regulate, among other factors, required launching
13 depth, lengths of existing docks and piers;

14 (b) Off-street parking shall be provided in an amount suitable to the expected usage
15 of the facility. When used by the general public, the guideline should be 32 to 40 spaces
16 capable of accommodating both a car and boat trailer for each ramp lane of boat access
17 to the water;

18 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be
19 provided;

20 (d) Pedestrian access to the water separate from the boat launching lane or lanes
21 may be required where it is deemed necessary in the interest of public safety;

22 (e) Safety buoys shall be installed and maintained separating boating activities from
23 other water-oriented recreation and uses where this is reasonably required for public
24 safety, welfare, and health; and

25 (f) All site improvements for boat launch facilities shall comply with all other
26 requirements of the zone in which it is located.

27 (32) Campground:

28 (a) The maximum overall density shall be seven camp or tent sites per acre; and

29 (b) The minimum site size shall be 10 acres.

30 (33) Commercial Vehicle Home Basing:

31 (a) The vehicles may be parked and maintained only on the property wherein
32 resides a person who uses them in their business;

33 (b) Two or more vehicles may be so based; and

34 (c) The vehicles shall be in operable conditions.

35 (34) Distillation of Alcohol:

36 (a) The distillation shall be from plant products, for the purpose of sale as fuel, and
37 for the production of methane from animal waste produced on the premises;

38 (b) Such distillation shall be only one of several products of normal agricultural
39 activities occurring on the premises; and

40 (c) By-products created in this process shall be used for fuel or fertilizer on the
41 premises.

42 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord.
43 04-010 effective March 15, 2004)

44 (36) Mobile Home and Travel Trailer Sales:

45 (a) Property shall directly front upon a principal or minor arterial in order to reduce
46 encroachment into the interior of IP designated areas;

1 (b) The hearing examiner shall consider the visual and aesthetic characteristics of
2 the use proposal and determine whether nearby business and industrial uses, existing
3 or proposed, would be potentially harmed thereby. A finding of potential incompatibility
4 shall be grounds for denial;

5 (c) The conditional use permit shall include a condition requiring mandatory review
6 by the hearing examiner at intervals not to exceed five years for the express purpose of
7 evaluating the continued compatibility of the use with other IP uses. The review required
8 herein is in addition to any review which may be held pursuant to SCC 30.42B.100,
9 SCC 30.42C.100 and SCC 30.43A.100;

10 (d) Such use shall not be deemed to be outside storage for the purpose of SCC
11 30.25.024; and

12 (e) Such use shall be temporary until business or industrial development is timely
13 on the site or on nearby IP designated property.

14 (37) Small Animal Husbandry: There shall be a five-acre minimum site size.

15 (38) Mobile Home Park: Such development must fulfill the requirements of chapter
16 30.42E SCC.

17 (39) Sludge Utilization: See SCC 30.28.085.

18 (40) Homestead Parcel: See SCC 30.28.055.

19 (41) Special Setback Requirements for this use are contained in SCC 30.23.110.

20 (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum lot
21 size for single family dwellings. In the RU zone, this provision only applies when the
22 minimum lot size for single family dwellings is 12,500 square feet or less.

23 (43) Petroleum Products and Gas, Bulk Storage:

24 (a) All above ground storage tanks shall be located 150 feet from all property lines;
25 and

26 (b) Storage tanks below ground shall be located no closer to the property line than
27 a distance equal to the greatest dimensions (diameter, length or height) of the buried
28 tank.

29 (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of
30 seven feet high shall be established and maintained in the LI zone. For requirements for
31 this use, SCC 30.25.020 and 30.25.050 applies.

32 (45) Antique Shops when established as a home occupation as regulated by SCC
33 30.28.050(1); provided further that all merchandise sold or offered for sale shall be
34 predominantly "antique" and antique-related objects.

35 (46) Billboards: See SCC 30.27.080 for specific requirements.

36 (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three
37 acres or more; a conditional use permit is required on less than three acres.

38 (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

39 (49) Restaurants and Personal Service Shops: Located to service principally the
40 constructed industrial park uses.

41 (50) Sludge Utilization: A conditional use permit is required for manufacture of
42 materials by a non-governmental agency containing stabilized or digested sludge for a
43 public utilization.

44 (51) Single Family and Multifamily Dwellings are a prohibited use, except for the
45 following:

1 (a) Existing dwellings that are nonconforming as a result of a county-initiated
2 rezone to BP may make improvements or additions provided such improvements are
3 consistent with the bulk regulations contained in chapter 30.23 SCC; provided further
4 that such improvements do not increase the ground area covered by the structural
5 portion of the nonconforming use by more than 100 percent of that existing at the
6 existing date of the nonconformance; and

7 (b) New single family and multifamily dwellings in the BP zone authorized pursuant
8 to the provisions of SCC 30.31A.140.

9 (52) Greenhouses, Lath Houses, and Nurseries:

10 (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant
11 husbandry materials is permitted;

12 (b) The sale of garden tools and any other hardware or equipment shall be
13 prohibited; and

14 (c) There shall be no on-site signs advertising other than the principal use.

15 (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in
16 the BP zone.

17 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in
18 conjunction with a livestock auction facility.

19 (55) Noise of Machines and Operations in the LI and HI zones shall comply with
20 chapter 10.01 SCC and machines and operations shall be muffled so as not to become
21 objectionable due to intermittence, beat frequency, or shrillness.

22 (56) Sludge Utilization only at a completed sanitary landfill or on a completed cell
23 within a sanitary landfill, subject to the provision of SCC 30.28.085.

24 (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.

25 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC
26 30.28.020.

27 (59) Detached accessory or non-accessory private garages and storage structures
28 are subject to the following requirements:

29 (a) Special setback requirements for these uses are contained in SCC
30 30.23.110(20);

31 (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any,
32 will not result in glare when viewed from the surrounding property or rights-of-way;

33 (c) The following compatibility standards shall apply:

34 (i) proposals for development in existing neighborhoods with a well-defined
35 character should be compatible with or complement the highest quality features,
36 architectural character and siting pattern of neighboring buildings. Where there is no
37 discernable pattern, the buildings shall complement the neighborhood. Development of
38 detached private garages and storage structures shall not interrupt the streetscape or
39 dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to
40 the Residential Development Handbook for Snohomish County Communities to review
41 techniques recommended to achieve neighborhood compatibility;

42 (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront
43 Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster subdivisions
44 shall document the use of building materials compatible and consistent with existing on-
45 site residential development exterior finishes;

1 (iii) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and
2 rural cluster subdivisions, no portion of a detached accessory private garage or storage
3 structure shall extend beyond the building front of the existing single family dwelling,
4 unless screening, landscaping, or other measures are provided to ensure compatibility
5 with adjacent properties; and

6 (iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and
7 rural cluster subdivisions, no portion of a detached non-accessory private garage or
8 storage structure shall extend beyond the building front of existing single family
9 dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the
10 subject property line. When a detached non-accessory private garage or storage
11 structure is proposed, the location of existing dwellings on adjacent properties located
12 within 10 feet of the subject site property lines shall be shown on the site plan;

13 (d) All detached accessory or non-accessory private garages and storage
14 structures proposed with building footprints larger than 2,400 square feet shall provide
15 screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC. ;

16 (e) On lots less than ten acres in size having no established residential use, only
17 one non-accessory private garage and one storage structure shall be allowed. On lots
18 10 acres or larger without a residence where the cumulative square footage of all
19 existing and proposed non-accessory private garages and storage structures is 6,000
20 square feet or larger, a conditional use permit shall be required.

21 (f) Where permitted, separation between multiple private garages or storage
22 structures shall be regulated pursuant to subtitle 30.5 SCC.

23 (60) The cumulative square footage of all detached accessory and non-accessory
24 private garages and storage structures shall not exceed 6,000 square feet on any lot
25 less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC,
26 PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

27 (61) Museums: Museums within the agriculture A-10 zone are permitted only in
28 structures which are legally existing on October 31, 1991.

29 (62) Accessory Apartments: See SCC 30.28.010.

30 (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities:
31 See SCC 30.28.090.

32 (64) RESERVED for future use.

33 (65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only as
34 an incidental use to any use generating hazardous waste which is otherwise allowed;
35 provided that such facilities demonstrate compliance with the state siting criteria for
36 dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-
37 303-282 as now written or hereafter amended.

38 (66) An application for a conditional use permit to allow an off-site hazardous waste
39 treatment and storage facility shall demonstrate compliance with the state siting criteria
40 for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC
41 173-303-282 as now written or hereafter amended.

42 (67) Adult Entertainment Uses: See SCC 30.28.015.

43 (68) Special Building Height provisions for this use are contained in SCC
44 30.23.050(2)(d).

45 (69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000
46 square feet and the bakery business shall be primarily retail in nature.

1 (70) Equestrian Centers are allowed with a conditional use permit on all lands zoned
2 A-10 except in that portion of the special flood hazard area of the lower Snohomish and
3 Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

4 (71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-10
5 except in that portion of the special flood hazard area of the lower Snohomish and
6 Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

7 (72) Equestrian Centers and Mini-equestrian Centers require the following:

8 (a) Five-acre minimum site size for a mini-equestrian center;

9 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian
10 center; provided that stabling areas, whether attached or detached, shall not be
11 included in this calculation;

12 (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare
13 on surrounding properties or rights-of-way;

14 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC
15 30.25.017 is required to screen any outside storage, including animal waste storage,
16 and parking areas from adjacent properties;

17 (e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;

18 (f) Outside storage, including animal waste storage, and parking areas shall be set
19 back at least 30 feet from any adjacent property line. All structures shall be set back as
20 required in SCC 30.23.110(8); and

21 (g) The facility shall comply with all applicable county building, health, and fire code
22 requirements.

23 (73) Temporary Residential Sales Coach (TRSC):

24 (a) The commercial coach shall be installed in accordance with all applicable
25 provisions within chapter 30.54A SCC;

26 (b) The TRSC shall be set back a minimum of 20 feet from all existing and
27 proposed road rights-of-way and five feet from proposed and existing property lines;

28 (c) Vehicular access to the temporary residential sales coach shall be approved by
29 the county or state; and

30 (d) Temporary residential sales coaches may be permitted in approved preliminary
31 plats, prior to final plat approval, when the following additional conditions have been
32 met:

33 (i) plat construction plans have been approved;

34 (ii) the fire marshal has approved the TRSC proposal;

35 (iii) proposed lot lines for the subject lot are marked on site; and

36 (iv) the site has been inspected for TRSC installation to verify compliance with all
37 applicable regulations and plat conditions, and to assure that land disturbing activity,
38 drainage, utilities infrastructure, and native growth protection areas are not adversely
39 affected.

40 (74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf
41 course or driving range shall not be allowed. Land disturbing activity shall be limited in
42 order to preserve prime farmland. At least 75 percent of prime farmland on site shall
43 remain undisturbed.

44 (75) Model Hobby Park: SCC 30.28.060.

1 (76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial Park
2 zones when said zones are located in the Maltby UGA of the comprehensive plan, and
3 where such properties are, or can be served by railway spur lines.

4 (77) Studio: Studio uses may require the imposition of special conditions to ensure
5 compatibility with adjacent residential, multiple family, or rural-zoned properties. The
6 hearing examiner may impose such conditions when deemed necessary pursuant to the
7 provisions of chapter 30.42C SCC. The following criteria are provided for hearing
8 examiner consideration when specific circumstances necessitate the imposition of
9 conditions:

10 (a) The number of nonresident artists and professionals permitted to use a studio at
11 the same time may be limited to no more than 10 for any lot 200,000 square feet or
12 larger in size, and limited to five for any lot less than 200,000 square feet in size;

13 (b) The hours of facility operation may be limited; and

14 (c) Landscape buffers may be required to visually screen facility structures or
15 outdoor storage areas when the structures or outdoor storage areas are proposed
16 within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The
17 buffer shall be an effective site obscuring screen consistent with Type A landscaping as
18 defined in SCC 30.25.017.

19 (78) The gross floor area of the use shall not exceed 1,000 square feet.

20 (79) The gross floor area of the use shall not exceed 2,000 square feet.

21 (80) The gross floor area of the use shall not exceed 4,000 square feet.

22 (81) The construction contracting use in the Rural Business zone shall be subject to
23 the following requirements:

24 (a) The use complies with all of the performance standards required by SCC
25 30.31F.100 and 30.31F.110;

26 (b) Not more than 1,000 square feet of outdoor storage of materials shall be
27 allowed and shall be screened in accordance with SCC 30.25.024;

28 (c) In addition to the provisions of SCC 30.22.130(81)(b), not more than five
29 commercial vehicles or construction machines shall be stored outdoors and shall be
30 screened in accordance with SCC 30.25.020 and 30.25.032;

31 (d) The on-site fueling of vehicles shall be prohibited; and

32 (e) The storage of inoperable vehicles and hazardous or earth materials shall be
33 prohibited.

34 (82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal,
35 bones, or the manufacture of their by-products; explosives manufacturing; manufacture
36 of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting
37 of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine,
38 creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling
39 or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

40 (83) "All other forms of manufacture not specifically listed" is a category which uses
41 manufacturing workers, as described under the Dictionary of Occupational Titles,
42 published by the US Department of Labor, to produce, assemble or create products and
43 which the director finds consistent with generally accepted practices and performance
44 standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and
45 30.91M.026.

46 (84) RESERVED for future use.

1 (85) A single family dwelling may have only one guesthouse.

2 (86) Outdoor display or storage of goods and products is prohibited on site.

3 (87) Wedding Facility:

4 (a) Such use is permitted only(~~on undeveloped land or in~~);

5 (i) on vacant and undeveloped land;

6 (ii) on developed land, but entirely outside of any permanent structure;

7 (iii) partially outside of permanent structures and partially inside of one or more
8 permanent structures which ~~((are))~~were legally existing on January 1, 2001; or

9 (iv) entirely inside of one or more permanent structures which were legally
10 existing on January 1, 2001;

11 (b) The applicant shall demonstrate that the following criteria are met with respect
12 to the activities related to the use:

13 (i) compliance with the noise control provisions of chapter 10.01 SCC;

14 (ii) adequate vehicular site distance and safe turning movements exist at the
15 access to the site consistent with the EDDS as defined in title 13 SCC; and

16 (iii) adequate sanitation facilities are provided on site pursuant to chapter 30.52A
17 SCC and applicable Snohomish Health District provisions;

18 (c) Adequate on-site parking shall be provided for the use pursuant to SCC
19 30.26.035;

20 (d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for
21 the use of any existing structure. The certificate of occupancy shall be subject to an
22 annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire
23 code compliance;

24 (e) In the A-10 zone, the following additional requirements apply:

25 (i) the applicant must demonstrate that the ~~((activities related to the use are~~
26 subordinate))use is accessory to the primary use of the site for agricultural purposes
27 and supports, promotes or sustains agricultural operations and production; ~~((and))~~

28 ~~((f) In the A-10 zone,)) (ii) the use must be located, designed, and operated so as~~
29 to not interfere with, and to support the continuation of, the overall agricultural use of the
30 property and neighboring properties;

31 (iii) the use and all activities and structures related to the use must be consistent
32 with the size, scale, and intensity of the existing agricultural use of the property and the
33 existing buildings on the site;

34 (iv) the use and all activities and structures related to the use must be located
35 within the general area of the property that is already developed for buildings and
36 residential uses;

37 (v) the use and all activities and structures related to the use shall not convert
38 more than one acre of agricultural land to nonagricultural uses; and

39 (vi) any land disturbing activity required to support the use shall be limited to
40 preserve prime farmland. ~~((At least 90 percent of prime farmland on site shall remain~~
41 undisturbed.))

42 (88) Public/Institutional Use Designation (P/IU): When applied to land that is (a)
43 included in an Urban Growth Area and (b) designated P/IU on the Snohomish County
44 Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-
45 8,400 and R-9,600 zones shall allow only the following permitted or conditional uses:

1 churches, and school instructional facilities. All other uses are prohibited within areas
2 that meet criteria (a) and (b), unless the P/IU designation is changed.

3 (89) Hotel/Motel uses are permitted in the Light Industrial zone when the following
4 criteria are met:

5 (a) The Light Industrial zone is located within a municipal airport boundary;

6 (b) The municipal airport boundary includes no less than 1000 acres of land zoned
7 light industrial; and

8 (c) The hotel/motel use is served by both public water and sewer.

9 (90) Health and social service facilities regulated under this title do not include secure
10 community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See
11 SCC 30.91H.095.

12 (a) Snohomish County is preempted from regulation of SCTFs. In accordance with
13 the requirements of state law the county shall take all reasonable steps permitted by
14 chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state
15 law. Every effort shall be made by the county through the available state procedures to
16 ensure strict compliance with all relevant public safety concerns, such as emergency
17 response time, minimum distances to be maintained by the SCTF from "risk potential"
18 locations, electronic monitoring of individual residents, household security measures
19 and program staffing.

20 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county
21 from evaluating, commenting on, or proposing public safety measures to the state of
22 Washington in response to a proposed siting of a SCTF in Snohomish County.

23 (c) Nothing herein shall be interpreted to require or authorize the siting of more
24 beds or facilities in Snohomish County than the county is otherwise required to site for
25 its SCTFs pursuant to the requirements of state law.

26 (91) Level II health and social service uses are allowed outside the UGA only when
27 the use is not served by public sewer.

28 (92) The area of the shooting range devoted to retail sales of guns, bows, and related
29 equipment shall not exceed one-third (1/3) of the gross floor area of the shooting range
30 and shall be located within a building or structure.

31 (93) Farmers Market: See SCC 30.28.036.

32 (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

33 (95) Farmland Enterprise: See SCC 30.28.037.

34 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:

35 (a) Comply with the requirements of Chapter 6.37 SCC; and

36 (b) Not exceed two events per year. No event shall exceed two weeks in duration.

37 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

38 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.

39 (99) Farm Stand: See SCC 30.28.039.

40 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated
41 riverway commercial farmland, upland commercial farmland or local commercial
42 farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A)
43 when sited on land not designated riverway commercial farmland, upland commercial
44 farmland or local commercial farmland in the comprehensive plan.

45 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated
46 riverway commercial farmland, upland commercial farmland or local commercial

1 farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A)
2 when sited on land not designated riverway commercial farmland, upland commercial
3 farmland or local commercial farmland in the comprehensive plan.

4 (102) Community Facilities for Juveniles in R-5 zones must be located within one mile
5 of an active public transportation route at the time of permitting.

6 (103) All community facilities for juveniles shall meet the performance standards set
7 forth in SCC 30.28.025.

8 (104) Personal wireless telecommunications service facilities: See chapter 30.28A
9 SCC and landscaping standards in SCC 30.25.025.

10 (105) Personal wireless telecommunications service facilities are subject to a building
11 permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter
12 30.28A SCC and landscaping standards in SCC 30.25.025.

13 (106) A building permit only is required for facilities co-locating on existing utility poles,
14 towers, and/or antennas unless otherwise specified in 30.28A SCC.

15 (107) RESERVED for future use (R-5 w/MRO - DELETED by Ord. 07-090 effective
16 September 21, 2007)

17 (108) RESERVED for future use. (Urban Center Demonstration Program projects -
18 DELETED by Ord. 09-079)

19 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by
20 conditional use permit on Forestry and Recreation (F&R) zoned property designated
21 Forest on the comprehensive plan future land use map. These areas shall be identified
22 by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are
23 regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county
24 codes.

25 (110) Recreational Facility Not Otherwise Listed: Playing fields permitted in
26 accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on
27 designated recreational land as identified on the future land use map in the county's
28 comprehensive plan.

29 (111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in
30 accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use
31 (A) when sited on designated recreational land as identified on the future land use map
32 in the county's comprehensive plan.

33 (112) Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the official
34 zoning map, is a Transfer of Development Rights (TDR) receiving area and, consistent
35 with the comprehensive plan, will be retained in the R-5-RA zone until regulatory
36 controls are in place which ensure that TDR certificates issued pursuant to SCC
37 30.35A.050 will be required for development approvals within the receiving area.

38 (113) Privately operated motocross racetracks are allowed by conditional use permit,
39 and are regulated pursuant to SCC 30.28.100, SCC 30.28.105, and other applicable
40 county codes. Motocross racetracks are allowed in the Forestry and Recreation (F&R)
41 zone only on commercial forest lands.

42 (114) RESERVED for future use (Mobile Home Park Zone - DELETED by Amended
43 Ord. 09-096)

44 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay
45 (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites
46 with the MRO.

- 1 (116) See cottage housing design standard requirements in chapter 30.41G SCC
- 2 (117) A drive-through either freestanding or associated with any permitted use shall
- 3 not be permitted.
- 4 (118) This use is only permitted when associated with a public or private marina.
- 5 (119) Only building mounted personal wireless communications facilities shall be
- 6 permitted.
- 7 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-
- 8 Ride Lot.
- 9 (121) Permitted as an incidental use with a permitted use, conditional use or
- 10 administrative conditional use.

11

12 Section 4. Severability and Savings. If any section, sentence, clause or phrase

13 of this ordinance shall be held invalid or unconstitutional by a court of competent

14 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

15 constitutionality of any other section, sentence, clause, or phrase of this ordinance.

16 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is

17 held to be invalid by a court of competent jurisdiction, then the section, sentence,

18 clause, or phrase in effect prior to the effective date of this ordinance shall be in full

19 force and effect for that individual section, sentence, clause, or phrase as if this

20 ordinance had never been adopted.


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PASSED this 11th day of Jan, 2011: 2012

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



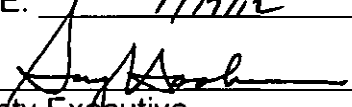
Chairperson

ATTEST:


Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 1/17/12



for: County Executive

GARY HAAKENSON
Deputy County Executive

ATTEST:


Approved as to form only:

 October 10, 2011
Deputy Prosecuting Attorney

D-23